

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOHAMMED ANWAR,

Plaintiff,

No. 12 Civ. 3420 (LTS) (SN)

-against-

PAAM GROUP, INC., et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Mohammed Anwar (“Plaintiff”) brought this action against PAAM Group, Inc. (d/b/a/ Nirvana Indian Culinary Bliss) and Anil Amin (collectively, “Defendants”), asserting claims for violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and the New York Labor Law. Plaintiff and Defendants reached a settlement agreement and, on June 27, 2013, the Court entered Final Judgment, finding the settlement agreement, which the Court ordered to be filed under seal, fair and reasonable. Defendant failed to make the settlement payment called for by the agreement.

The litigation was reopened at the request of Plaintiff, who now seeks (1) an order requiring defense counsel to transfer the money in its client escrow account to Plaintiff as partial payment of the settlement sum; (2) a judgment entered against Defendants for the remaining amount of the settlement sum; and (3) an order that the settlement agreement be unsealed in light

of Defendants' breach of the agreement. Magistrate Judge Sarah Netburn has issued a Report and Recommendation (the "Report") recommending that the Court enter judgment against Defendants according to the terms of the original settlement agreement (i.e., for the original settlement sum) and that the settlement agreement be unsealed as a result of Defendants' breach. The Report also recommends that the Court deny Plaintiff's motion insofar as Plaintiff seeks the transfer of money from defense counsel's client escrow account because the settlement agreement did not contemplate such turnover of a partial payment. The Report further recommends that Defendant be directed to pay the full judgment amount within 30 days of the undersigned's adoption of the Report. No objections to the Report have been filed.

When reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2013). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted)).

Having reviewed Magistrate Judge Netburn's thorough and well-reasoned Report, to which no objection was made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. The Clerk of Court is directed to enter judgment in Plaintiff's favor in the amount of \$25,000. Defendant must pay the judgment amount in full within 30 (thirty) days of the date of this Order Adopting Report and Recommendation. The Clerk of Court is further directed to unseal the agreement filed under docket entry no. 27 and post it on ECF. Plaintiff's motion is denied to the extent it seeks an order to transfer funds held in Defendant's attorneys' escrow account.

This Order resolves docket entry no. 48. The Clerk of Court is requested to close this case.

SO ORDERED.

Dated: New York, New York
January 22, 2014

/S
LAURA TAYLOR SWAIN
United States District Judge